

## 508.06 CONVEYANCING, REGISTRATION

### CHAPTER 508. CONVEYANCING, REGISTRATION

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#### 508.06 Contents of application; rights and privileges of claimants

The application shall set forth substantially:

(1) The full name, age, and residence of the applicant; if the application is made by any person acting in behalf of another, the application shall likewise state the full name and residence of the person so acting, and the capacity in which he acts;

(2) Whether the applicant is or is not married and, if married, the full name and residence of the husband or wife; it shall state that the applicant is under no disability and whether the applicant has ever been divorced and, if so, when, where, and by what court the divorce was granted;

(3) A correct description of the land, together with the assessed value thereof, exclusive of improvements, according to the last official assessment;

(4) The estate or interest of the applicant in the land, and whether or not it is subject to an estate of homestead;

(5) The names of all persons or parties, except the applicant, who appear of record, or who are known to the applicant to have or to claim any right, title, estate, lien, or interest in the land;

(6) Whether the land is occupied or unoccupied; if occupied by any other person than the applicant, it shall state the full name and address of each occupant and the nature of the estate, interest, lien, or charge which such occupant or occupants have, or claim to have, in the land;

(7) Whether the land is subject to any lien or encumbrance, recorded or unrecorded, together with the character and amount of the same, and the name and post-office address of each holder thereof; if recorded, it shall state the place, book, and page of record;

(8) Whether any person, other than the applicant, has or claims to have any estate or interest in the land, either in law or equity, in possession, remainder, reversion, or expectancy, together with the full name and address of every such person and the nature and character of such estate or interest;

(9) If the application is on behalf of a minor, it shall state the age of such minor and that a duly certified copy of the letters of guardianship has been recorded with the register of deeds in the county wherein the land is situated;

(10) When the place of residence of any person whose residence is required to be given is unknown to the applicant, it may be so stated in the application and also that, after due and diligent search, the applicant has been unable to ascertain the same;

(11) If it is desired to fix and establish the boundary lines of the land, the full names and post-office addresses of all owners of adjoining lands which are in any manner affected thereby shall be fully stated; otherwise the decree shall not have the effect to fix or determine the boundary lines.

Any person having or claiming any right, title, interest, or estate in land, or any lien or charge upon or against the same, may assent in writing to the registration thereof, and the person thus assenting need not be named as a defendant in the registration proceeding or, if already named as a defendant therein, need not be served with the summons therein. Such assent shall be executed and acknowledged in the manner required by law for the execution and acknowledgment of a deed and filed with the clerk of the court.

[1973 c 9 s 4]

**508.31 Registrar's bond**

Before entering upon the duties of his office, the registrar of titles shall execute a bond to the state for such amount and with such sureties as may be determined by the county board. Such bond shall be approved by the district court, filed in the office of the register of deeds, and conditioned for the faithful discharge of his duties. A copy of the bond shall be filed and entered upon the records of the court.

[1973 c 524 s 11]

**508.35 Form of certificate**

The certificate of title shall contain the name and residence of the owner, a description of the land, and of the estate of the owner therein, and shall by memorial contain a description of all encumbrances, liens, and interests in which the estate of the owner is subject. It shall state his age and, if under disability, the nature thereof. It shall also state whether or not the owner is married and, if married, the name of the husband or wife. In case the land is held in trust or subject to any condition or limitation, it shall state the nature and character thereof. It shall be substantially in the following form:

**CERTIFICATE OF TITLE**

First certificate of title, pursuant to the order of the district court,  
..... judicial district, county of ....., and state of  
Minnesota, date ....., 19...

**REGISTRATION**

State of Minnesota }  
County of ..... } ss.

This is to certify that ....., of the ..... of .....,  
county of ....., and state of ....., is now the owner of an  
estate, to-wit, ..... of and in the following described land situated  
in the county of ..... and state of Minnesota, to-wit, .....

Subject to the encumbrances, liens, and interest noted by the memorial underwritten or endorsed hereon; and subject to the following rights or encumbrances subsisting, as provided in Laws 1905, Chapter 305, Section 24, namely:

(1) Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;

(2) Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title;

(3) Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;

(4) All rights in public highways upon the land;

(5) Such right of appeal or right to appear and contest the application as is allowed by law;

(6) The rights of any person in possession under deed or contract for deed from the owner of the certificate of title.

That the said ..... is of the age of ..... years, is .....  
married ....., and is under ..... disability.

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office, this ..... day of ....., 19...

.....

Registrar of Titles, in and for the county of

..... and State of Minnesota.

All certificates issued subsequent to the first certificate of title shall be in like form except that they shall be entitled "Transfer from number (here

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give the number of the next previous certificate relating to the same land)," and shall also contain the words "Originally registered (date, volume, and page of registration)."

[1973 c 14 s 1]

**508.40 Owner's duplicate receipt**

At the time the original certificate of title is entered, the registrar shall make a duplicate thereof, endorsing across the face of such duplicate the words "Owner's Duplicate Certificate" and deliver the same to the owner or his authorized attorney. The registrar shall, in every case, when it is practicable so to do, take from such owner a receipt for such duplicate certificate, which shall be signed by the owner in person. In the case of multiple owners the receipt may be executed by any one of such owners. Such receipt, when signed and delivered in the office of the registrar, shall be witnessed by him or his deputy. If such receipt is signed elsewhere, it shall be acknowledged in the same manner as a deed. Such receipt shall be prima facie evidence of the genuineness of such signature.

[1973 c 9 s 5]

**508.59 Registration of judgment or final decree**

A judgment or decree affecting registered land shall be registered upon the presentation of a certified copy thereof to the registrar, who shall enter a memorial thereof upon the original certificate of title, and upon the owner's duplicate, and upon any outstanding mortgagee's or lessee's duplicate, if practicable so to do. When the registered owner of such land is by such judgment or decree divested of his estate in fee therein, or of any part thereof, the prevailing party shall be entitled to a new certificate of title for the land, or so much thereof as may be described in the judgment and decree, and the registrar shall enter such new certificate of title and issue a new owner's duplicate certificate as in the case of a voluntary conveyance. No such new certificate shall be entered except upon the written certification of the examiner of titles as to the legal sufficiency of the documents presented for filing for the purpose of issuance of a new certificate or upon the order of the district court directing the issuance thereof.

[1973 c 14 s 2]

**508.61 Trust and other deeds of limitation; new trustee; corporate dissolution**

Subdivision 1. If a deed or other instrument is filed with the registrar for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest therein without the transfer thereof, the particulars of the trust, condition, limitation, or other equitable interest need not be entered upon the certificate of title, but a memorial thereof may be entered by the words "in trust" or "upon condition," or other apt words, and by reference by number to the instrument authorizing or creating the same.

Subd. 2. When a new trustee of registered land is appointed a new certificate of title shall be entered in his name upon presentation to the registrar of a certified copy of the decree or other instrument appointing him and the surrender of the owner's duplicate certificate.

Subd. 3. When a corporate owner adopts a resolution for voluntary dissolution, the registrar of titles shall enter a new certificate of title in the name of the trustee in dissolution upon the surrender of the owner's duplicate certificate and the presentation of a certified copy of the certificate setting forth the adoption of the resolution together with the certificate of the secretary of state that said certificate of dissolution has been filed for record in his office.

Subd. 4. When an instrument showing such appointment or dissolution and a trustee's deed are filed for registration on the same day, a new cer-

tificate of title may be entered in the name of the grantee or grantees and the memorial of such instrument shall have the same force and effect as though a certificate of title had been entered in favor of the trustee; the fees, however, for registration to be the same as would be the case if a certificate of title were entered in the name of the trustee.

[1973 c 14 s 3]

#### 508.62 Trustee's conveyance

No instrument, executed by a trustee of registered land held in trust, which transfers, mortgages, leases, or in any manner affects such land, shall be registered except upon the written certification of the examiner of titles that such instrument is executed in accordance with a power conferred in the instrument of trust or is authorized by law, or upon the order of the district court directing the registration thereof. The examiner shall not certify any such instrument unless the trust is administered by the court or unless the document creating the trust, or a certified copy thereof, is registered as a memorial upon the certificate of title.

[1973 c 14 s 4]

#### 508.71 Alterations on register; order of court; directive of examiner; new certificates

Subdivision 1. No erasure, alteration, or amendment shall be made upon the register of titles after the entry of a certificate of title or of any memorial thereon, and the attestation of the same by the registrar, except by order of the court or upon written directive of the examiner of titles.

Subd. 2. A registered owner or other person in interest may, at any time, apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that any error or omission was made in entering a certificate or any memorial thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has married, or, if registered as married, that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court may hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorial upon a certificate, or grant any other relief upon such terms, requiring security if necessary, as it may consider proper; but the provisions of this section shall not give the court authority to open the original decree of registration, and nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser who holds a certificate for value and in good faith, or of his heirs or assigns without his or their written consent.

Subd. 3. At the request of a registered owner or other person in interest the examiner of titles by a written directive may order the amendment or cancellation of a memorial relating to racial restrictions, rights which are barred by a statute or rights which have expired by the terms of the instrument creating the rights. The registrar of titles may register the directives of the examiner of titles upon the certificates of title, and he shall give full faith to such directives.

Subd. 4. Without order of court or directive of the examiner the registrar of titles may receive and register as memorials upon any certificate of title to which they pertain, the following instruments; receipt or certificate of county treasurer showing redemption from any tax sale or payment of any tax described in a certificate of title, a marriage certificate showing the subsequent marriage of any owner shown by a certificate of title to be unmarried, a certified copy of the death certificate of party listed in any certificate of title as being the spouse of the registered owner when accom-

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panied by an affidavit satisfactory to the registrar identifying the decedent with said spouse; and in all subsequent dealings with the land covered by such certificates the registrar shall give full faith to these memorials.

Subd. 5. In case of a certificate of title outstanding to two or more owners as joint tenants, upon the filing for registration of a certificate of death of one of the joint tenants together with an affidavit of survivorship duly certified by the commissioner of taxation, or an affidavit of survivorship for exempt homestead property in compliance with the provisions of section 291.14, subdivision 2, clause (4), and upon the surrender of the owner's duplicate certificate of title, the registrar without such order or directive shall issue a new certificate of title for the premises to the survivor in severalty or to the survivors in joint tenancy as the case may be.

Subd. 6. When instruments affecting registered land have been recorded in the office of any register of deeds in this state, a certified copy thereof may be filed for registration and registered with like effect as the original instrument without such order or directive. The owner's, mortgagee's, or lessee's duplicate certificate of title shall be presented to the registrar, together with the certified copy, whenever such presentation is required by statute for registration of the original instrument.

[1973 c 14 s 5]

## CHAPTER 514. LIENS; LABOR, MATERIAL

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### IMPROVEMENT OF REAL ESTATE

#### 514.01 Mechanics, laborers and materialmen

Whoever contributes to the improvement of real estate by performing labor, or furnishing skill, material or machinery for any of the purposes hereinafter stated, whether under contract with the owner of such real estate or at the instance of any agent, trustee, contractor or subcontractor of such owner, shall have a lien upon the improvement, and upon the land on which it is situated or to which it may be removed, that is to say, for the erection, alteration, repair, or removal of any building, fixture, bridge, wharf, fence, or other structure thereon, or for grading, filling in, or excavating the same, or for clearing, grubbing, or first breaking, or for furnishing and placing soil or sod, or for furnishing and planting of trees, shrubs, or plant materials, or for labor performed in placing soil or sod, or for labor performed in planting trees, shrubs, or plant materials, or for digging or repairing any ditch, drain, well, fountain, cistern, reservoir, or vault thereon, or for laying, altering or repairing any sidewalk, curb, gutter, paving, sewer, pipe, or conduit in or upon the same, or in or upon the adjoining half of any highway, street, or alley upon which the same abuts.

[1973 c 247 s 1]

#### 514.011 Notice

**Subdivision 1. Contractors.** Every person who enters into a contract with the owner for the improvement of real property and who has contracted or will contract with any subcontractors or materialmen to provide labor, skill or materials for the improvement shall give the owner the notice required in this subdivision. The notice shall be delivered personally or by certified mail to the owner or his authorized agent within ten days after the contract for